

REMARKS

The present application is believed to be in condition for allowance.

Status of the Claims

Claims 1 and 3-11 remain in this application.

Claims 6-11 were withdrawn from further consideration as being directed to non-elected subject matter.

Claim Rejections-35 USC §102

Claims 6-9 were rejected under 35 U.S.C. §102(b) as being anticipated by SQUICCIARINI US 2003/0021731 ("SQUICCIARINI").

However, Applicant understands that these claims were withdrawn from further consideration.

This rejection is addressed with respect to those claims currently under consideration, i.e., claims 1 and 3-5.

SQUICCIARINI does not disclose the following claimed features:

1. A PET sample (claim 1).
2. A PET sample that is in intimate contact with a desorption cell.
3. Scavenging the cell with air (claim 1).
4. Incubating the sample (claim 1), for example 30 minutes (paragraph [0027]).

5. Heating the sample (claim 1), for example 140°C (paragraph [0027]). Rather, SQUICCIARINI maintains the casing at a predetermined temperature according to the claims.

6. Transferring the loop content by hydrogen (claim 3).

Moreover, the PET sample of the claimed invention is inserted into the desorption cell as it is, without preparation, without any vial, and the sample of the gas is done directly into the desorption cell. In SQUICCIARINI, however, the sample is prepared and inserted into a vial, and then the vial is closed. For the measurement, one needs a needle to make a hole into the closure to remove the gas.

Thus, SQUICCIARINI does not disclose each feature claimed.

Therefore, SQUICCIARINI does not anticipate, and withdrawal of the rejection is respectfully requested.

Claim Rejections-35 USC §103

Claims 1, 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over SQUICCIARINI in view of ANDREWS et al. WO 01/02489 ("ANDREWS") and TREECE et al. U.S. 5,968,429 ("TREECE").

Claim 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over SQUICCIARINI in view of ANDREWS and TREECE, further in view of JERMAN et al. US 4,471,647 ("JERMAN").

These rejections are respectfully traversed for the reasons below.

As discussed above relative to the anticipation rejection, SQUICCIARINI does not disclose, or even suggest, several of the required steps of the claimed invention, such as, a PET sample in intimate contact with a desorption cell, scavenging the cell with air, incubating the sample, heating the sample, and transferring the loop content by hydrogen.

None of the other cited reference are able to remedy these shortcomings of SQUICCIARINI for reference purposes.

ANDREWS was offered for teaching "a mixture of PET and a second polymer which exhibits a lower acetaldehyde content than PET alone (see Abstract). Acetaldehyde concentration was measured using a thermal desorption GC-MS (p. 6)."

However, ANDREWS teaches to reduce the amount of acetaldehyde in PET containers, but does not teach how to measure the amount of acetaldehyde. Further, the present invention does use the desorption GC-MS technique, but instead the flame ionization detector (FID).

TREECE was offered for teaching "a method for removing acetaldehyde from PET polymers (col. 4 lines 41-44) which can use dehumidified air (col. 7, line 4)."

However, TREECE teaches to mix the polymer with a gas in an amount sufficient to dissolve acetaldehyde present in the

polymer melt. He does not teach to determine the content of acetaldehyde in PET samples.

JERMAN was offered for teaching "a gas chromatography system, detector and method in which a hydrogen carrier gas is used (col. 4 line 64-66)."

However, JERMAN discloses a gas chromatographic assembly formed on a semiconductor wafer by etching techniques. In particular, JERMAN teaches that helium and hydrogen carrier gases are normally used in gas chromatography. JERMAN does not teach the use of hydrogen for transporting the loop content.

Thus, the proposed combination fails to teach or even suggest the claimed invention.

Furthermore, the Examiner's attention is respectfully directed to the Declaration Under 37 CFR 1.132 (Rule 132) by Carlo SQUICCIARINI (i.e., the named inventor of the primary reference), who further confirms that the proposed combination does not teach the claimed features. (See the Appendix of this response.)

Therefore, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks and declaration by Carlo SQUICCIARINI, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- A Declaration Under 37 CFR 1.132 by Carlo SQUICCIARINI